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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,487

02/06/2004

Shehzad T. Merchant

02453.0021.NPUS00

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7590

09/21/2006

HOWREY LLP

C/O IP DOCKETING DEPARTMENT

2941 FAIRVIEW PARK DRIVE, SUITE 200

FALLS CHURCH, VA 22042-2924

EXAMINER

ENG, DAVID Y

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/773,487	Applicant(s) MERCHANT ET AL	
	Examiner DAVID Y. ENG	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The continuation record in application file 10/794,203 indicates that 10/994,203 (3/5/04) is a CIP of 10/774,079 (2/6/04) which is a CIP of 10/773,394 (2/6/04) which is a CIP of the instant application 10/773,487 (2/6/04). Applicants are requested to amend the first paragraph on page 1 of the specification accordingly.

The active claims are 1-32.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 3, 6, 7, 8, 10, 11, 12, 13, 15, 16, 23, 24, 25 and 29-30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jones (USP 6,137,802).

Claims 4-5, 9, 14, 17-22, 26-28 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (USP 6,137,802) in view of Kmack (USP 6,304,851).

Details of the rejections have already been set forth in the last Office action. The details are incorporated herein by reference.

In the communication filed on 7/17/2006, Applicants contended that the network switch in Jones is not configurable. The Examiner disagrees. Compare Applicants' Figure 1 with Jones Figure 1, Applicants' Switch 12, AP18a and station 18b correspond respectively to Jones' Switch 12, wireless access base station 30 and wired user device 28. Jones' ATM switch 12 is able to support either a wired edge device or a wireless edge device. In other words, Jones' ATM switched was configured to have that capability. The configuration was done by a person using a configuration application program. The person is inherently called administrator. Further, Applicants' specification discloses that Switch 12 is loaded (configured) with configuration information of user

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devices 22 (line 27 page 6 to line 2 of page 7 of the specification). The configuration information loaded in switch 12 is downloaded to user devices 22 when the user devices are plugged into the switch. In other words, the administrator does not configure Applicants' switch. The switch merely obtains the user device configuration information from the administrator and in turn downloaded it to the user device when the device is plugged into the switch. Claims 1, 2, 3, 6, 7, 8, 10, 11, 12, 13, 15, 16, 23, 24, 25 and 29-30 are rejected under Section 102 because there is no download claimed in those claims and the port of the switch and not the user device is recited in those claims to be configured. The secondary reference Kmack is applied when download is claimed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

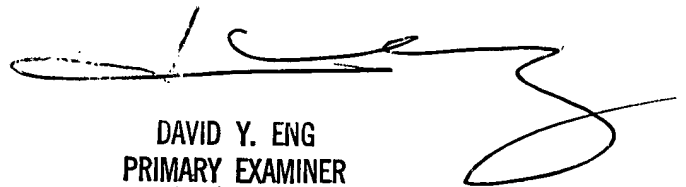
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID Y. ENG
PRIMARY EXAMINER